

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

IN RE WASHINGTON MUTUAL  
MORTGAGE BACKED SECURITIES  
LITIGATION,

This Document Relates to: ALL CASES

MASTER CASE NO. C09-037 MJP

**DECLARATION OF NICHOLAS A.  
JACKSON IN SUPPORT OF  
DEFENDANTS' MOTION TO  
PRECLUDE USE OF UNTIMELY  
DISCLOSED WITNESSES PURSUANT  
TO FED. R. CIV. P. 37(c)(1)**

*Declaration of Nicholas A. Jackson in Support  
of Defendants' Motion to Preclude Use of  
Untimely Disclosed Witnesses Pursuant to  
Fed. R. Civ. P. 37(c)(1)  
(CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

1 I, NICHOLAS A. JACKSON, hereby declare as follows under penalty of  
2 perjury pursuant to 28 U.S.C. § 1746:

3 1. I am an attorney at law licensed to practice in the State of New York. I am  
4 an associate of the firm of Cravath, Swaine & Moore LLP, counsel of record for  
5 Defendants WaMu Asset Acceptance Corp. and WaMu Capital Corp. (collectively, the  
6 “WaMu Defendants”) in this matter. I submit this declaration in support of Defendants’  
7 Motion to Preclude Use of Untimely Disclosed Witnesses Pursuant to Fed. R. Civ. P.  
8 37(c)(1). By virtue of my representation of the WaMu Defendants in this matter, I have  
9 personal knowledge of the facts set forth below, or knowledge based on information and  
10 belief, and could and would testify competently to those facts if called to do so.

11 2. Plaintiffs have taken twenty-three depositions of fact witnesses in this  
12 case. Plaintiffs deposed only one witness in WMB’s underwriting department, Mark  
13 Brown, who was the Head of Underwriting during the relevant time period.

14 3. Of the 262 individuals listed in Lead Plaintiffs’ Supplement to Fed. R.  
15 Civ. P. 26(a) Initial Disclosures, dated April 12, 2012, and Lead Plaintiffs’ Second  
16 Supplement to Fed. R. Civ. P. 26(a)(1) Initial Disclosures, dated May 9, 2012, the  
17 following 206 individuals have not previously been listed on either parties’ initial or  
18 supplemental Rule 26(a)(1) disclosures (as evidenced by the disclosures attached as  
19 Exhibits C through G hereto), identified in either parties’ responses to requests for  
20 production or interrogatories, been deposed in this matter, or otherwise been identified as  
21 a potential witness during the course of discovery:

22 Janis Adler; Bacc Alexander; Rob Alinder; Kathleen Allen; Lisa Alvarez;  
23 Lesa Alvizures; Amy Anderson; Khara Anderson; Ricardo Arambula; Barbara Babik;  
24 Jared Baker; Lisa Baker; Marin Balogh; Kathy Barrera; Tim Bates; Charyl Baugh; Amy  
25

*Declaration of Nicholas A. Jackson in Support  
of Defendants’ Motion to Preclude Use of  
Untimely Disclosed Witnesses Pursuant to  
Fed. R. Civ. P. 37(c)(1)  
(CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

1 Beggs; Jennifer Bennet; Steven M. Berman; Amy Bernstein; Ron Betarie; Leslie  
 2 Bidelson; John Bier; Chris Bifone; Jason W. Blackford; Scott R. Bledsoe; Teresa  
 3 Bondurant; Sandy Brahm; Evelyn Brown; Jen Buchanan; Nancy Butzen; Paul Campbell;  
 4 Anthony Cangemi; Yolanda B. Capati; Gary Chase; Henry C. Chen; Steven D.  
 5 Columbus; Cleo Coman; Amy Condon; Bridget Connolly; Stephanie Cook; Keysha  
 6 Cooper; Ian Cornett; Sam Crocker; Mark C. Crowley; Lee Cubbedge; Michele  
 7 Culberston; Henry Darakhovskiy; Stephanie S. Dean; Mabette Del Rosario; Christina  
 8 Dell'Orco; Joseph Delsandro; Al Denson; Derrick Dominguez; Monica Dominguez;  
 9 Pamela Dominguez; David A. Douglas; Randy Duran; Scott Edwards; Henry Engelken;  
 10 Kristine Ennis; Sandra Estrella; Marcus Falz; Dona Farnbauch; Jeffrey Filby; Cathryn  
 11 Finley; Lisa Fogelsanger; Karen Fridley; Latryce D. Fuller; Maureen Gardner; Lauri  
 12 Garza; Kelly Gates; Alana Giggins; Christina Gil; Dan Gilbert; Erica Gilbert; Josh  
 13 Goldberg; Nancy Gonseth; Ashley Grissom; Rick Gurney; Keri Hayashi; Maria Hearn;  
 14 Rosemarie Heine; Antoinette Hendryx; Josh Hogan; Mike Huggins; Diana Jeanty; Lisa  
 15 Jimenez; Michelle Joans; Kyle Johnson; Lynne Johnston; Clifford Jones; Nina Jones;  
 16 Tiffany Jones; Melih Kahraman; Alpa Kamani; Heidi Kantola; Robyn Kehrli; Valerie  
 17 Kirkpatrick; Nicole J. Kitatani; Julie Korman; Dot Lackey; Martine Lado; Dennis Lai;  
 18 Michael Lash; Venessa Lawson; Trang Le; Paul Leboeuf; Andrew Lee; David M.  
 19 Lehman; Rosario Lopez; Mario Loria; Denise Luedtke; Alvida Marchuk; Corey L.  
 20 Martin; Chad Masters; William McManus; Suzanne Mellon; Lisa Menapace; Theresa  
 21 Mendez; Anthony Meola; Robert Miles; Kristen Miller; Sheri Miller; George Milsap;  
 22 Earl Moore; Ernie Mortenson; Bilal Muhammad; Nikki M. Myers; David Nagle; Greg  
 23 Nelson; Tiffany Nelson; Denise O'Brien; Edward M. O'Brien; Joseph O'Brien; Peter  
 24 O'Kane; Janet O'Keefe; Anthony Oscarson; Irma Padilla; Kwang Paik; Theresa Pearson-  
 25

*Declaration of Nicholas A. Jackson in Support  
 of Defendants' Motion to Preclude Use of  
 Untimely Disclosed Witnesses Pursuant to  
 Fed. R. Civ. P. 37(c)(1)  
 (CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
 1221 Second Avenue, Suite 500  
 Seattle, Washington 98101-2925  
 Telephone: (206) 623-1745  
 Facsimile: (206) 623-7789

Melton; Joseph H. Pezley; Alice Potter; Leah Priceman; Michael Provencio; Ryan  
 Quigley; Tom Ramirez; Marianne Rego; Qiana Reynolds; Debra Rider; Sally Roark;  
 Charles Romeo; Meridith Rood; Bobbie Rothfeld; Saunja Rutledge; Greg Saffer; Lupe  
 Sanchez; Daniel Savage; Sandra L. Schaefer; Robina Schenck; Betty Schwab; Rahul Sen;  
 MewLan Seto; Roya Shabtaie; Kerry Shmmin; Jennifer Shoemaker; Terry Shofner; Azra  
 Siddiqui; Brenda Sifodaskalakis; Jill Simons; Eric Skeen; Mac Skimming; Lezlea Smith;  
 Jennifer Speidel; Anthony L. Stripling; Tomas Suazo; Leland Sundstrom; Lea Ann  
 Sweere; Kristie Szypula; Jean Tador; Sandra Taylor; Colleen A. Tetrick; Liquitha D.  
 Thompson; Elizabeth Torres; Patricia Toscano; Chad Troutwine; Lydia Upshaw; Linda  
 Valles; Arletta V. Vass; Dan Vastola; Melanie Vides; Sherry Diane Wade; Cheryl Waid;  
 Michelle Y. Walker; Gwendolyn Washington; Dwight Wiles; Trent Williams; Laura  
 Wofford; Jack Wu; Rebecca C. Yankah; Irene Yim; Richard I. Yngson; Bob Youngs;  
 Sherri D. Zaback; David Zielke; Dana Zweibel.

4. Attached as Exhibit A is a true and correct copy of Lead Plaintiffs' Supplement to Fed. R. Civ. P. 26(a) Initial Disclosures, dated April 12, 2012. Personal information relating to individuals, such as home addresses, personal phone numbers and email addresses, has been redacted to protect those individuals' privacy.

5. Attached as Exhibit B is a true and correct copy of Lead Plaintiffs' Second Supplement to Fed. R. Civ. P. 26(a)(1) Initial Disclosures, dated May 9, 2012. Personal information relating to individuals, such as home addresses, personal phone numbers and email addresses, has been redacted to protect those individuals' privacy.

6. Attached as Exhibit C is a true and correct copy of Lead Plaintiffs' Rule 26(a)(1) Initial Disclosures, dated November 12, 2010.

*Declaration of Nicholas A. Jackson in Support  
 of Defendants' Motion to Preclude Use of  
 Untimely Disclosed Witnesses Pursuant to  
 Fed. R. Civ. P. 37(c)(1)  
 (CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
 1221 Second Avenue, Suite 500  
 Seattle, Washington 98101-2925  
 Telephone: (206) 623-1745  
 Facsimile: (206) 623-7789

8. Attached as Exhibit E is a true and correct copy of Lead Plaintiffs' Amended Rule 26(a)(1) Initial Disclosures, dated March 14, 2011.


9. Attached as Exhibit F is a true and correct copy of WaMu Defendants' Supplemental Disclosures, dated February 15, 2011.

10. Attached as Exhibit G is a true and correct copy of WaMu Defendants' Second Supplemental Disclosures, dated June 14, 2011. Personal information relating to individuals, such as home addresses, personal phone numbers and email addresses, has been redacted to protect those individuals' privacy.

I hereby declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

I hereby declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

DATED this 25th day of May, 2012, at New York, New York.

  
Nicholas A. Jackson

*Declaration of Nicholas A. Jackson in Support  
of Defendants' Motion to Preclude Use of  
Untimely Disclosed Witnesses Pursuant to  
Fed. R. Civ. P. 37(c)(1)  
(CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of May, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Adam Zurofsky azurofsky@cahill.com

Amanda F. Lawrence alawrence@scott-scott.com

Anne L. Box abox@scott-scott.com

Barry Robert Ostrager bostrager@stblaw.com, managingclerk@stblaw.com

Bradley T. Meissner bradley.meissner@dlapiper.com

Brian O. O'Mara bo'mara@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

Christopher E Lometti clometti@cohenmilstein.com

Daniel B Rehns drehns@cohenmilstein.com, efilings@cohenmilstein.com

Darren J Robbins e\_file\_sd@csgrr.com

David Daniel Hoff dhoff@tousley.com, efile@tousley.com

Douglas C McDermott doug@mcdermottnewman.com, eric@mcdermottnewman.com

Daniel Slifkin dslifkin@cravath.com

Edward C. Signaigo esignaigo@scott-scott.com

Evan R. Chesler echesler@cravath.com

Floyd Abrams fabrams@cahill.com

Gavin Williams Skok gskok@riddellwilliams.com, jsherred@riddellwilliams.com, lmoore@riddellwilliams.com

Geoffrey M Johnson gjohnson@scott-scott.com, efile@scott-scott.com

Hal D Cunningham hcunningham@scott-scott.com, efile@scott-scott.com, halcunningham@gmail.com

*Declaration of Nicholas A. Jackson in Support  
of Defendants' Motion to Preclude Use of  
Untimely Disclosed Witnesses Pursuant to  
Fed. R. Civ. P. 37(c)(1)  
(CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

1 Hector J. Valdes hvaldes@cravath.com  
2 Hollis Lee Salzman (Terminated) hsalzman@labaton.com,  
3 ElectronicCaseFiling@labaton.com  
4 James J. Coster jcoster@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com  
5 Janissa Ann Strabuk jstrabuk@tousley.com, lrolling@tousley.com,  
6 wcruz@tousley.com  
7 Jason T Jasnoch jjasnoch@scott-scott.com, efile@scott-scott.com  
8 Jesse M. Weiss jweiss@cravath.com  
9 Joel P Laitman jlaitman@cohenmilstein.com  
10 John D Lowery jlowery@riddellwilliams.com, dhammonds@riddellwilliams.com  
11 John D. Pernick john.pernick@bingham.com  
12 John T. Jasnoch jjasnoch@scott-scott.com  
13 Jonathan Gardner jgardner@labaton.com  
14 Joseph P Guglielmo jguglielmo@scott-scott.com, efile@scott-scott.com  
15 Joseph A. Fonti (Terminated) jfonti@labaton.com, ElectronicCaseFiling@labaton.com  
16 Joshua M. Rubins jrubins@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com  
17 Joshua S. Devore jdevore@cohenmilstein.com, efilings@cohenmilstein.com  
18 Julie Goldsmith Reiser jreiser@cohenmilstein.com  
19 Julie Hwang (Terminated) jhwang@labaton.com, ElectronicCaseFiling@labaton.com  
20 J. Wesley Earnhardt wearnhardt@cravath.com  
21 Kenneth J Pfaehler kenneth.pfaehler@snrdenton.com, nicole.reeber@snrdenton.com  
22 Kenneth M Rehns krehns@cohenmilstein.com  
23 Kerry F Cunningham kerry.cunningham@dlapiper.com  
24 Kevin P Chavous kchavous@sonnenschein.com  
25

*Declaration of Nicholas A. Jackson in Support  
of Defendants' Motion to Preclude Use of  
Untimely Disclosed Witnesses Pursuant to  
Fed. R. Civ. P. 37(c)(1)  
(CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

1 Kim D Stephens kstephens@tousley.com, cbonifaci@tousley.com,  
2 lrolling@tousley.com, wcruz@tousley.com  
3 Larry Steven Gangnes gangnesl@lanepowell.com, docketingsea@lanepowell.com,  
4 donnellyjoss@lanepowell.com, sebringl@lanepowell.com  
5 Leslie D Davis ldavis@sonnenschein.com  
6 Mary Kay Vyskocil mvyskocil@stblaw.com  
7 Matthew B. Kaplan mkaplan@cohenmilstein.com, efilings@cohenmilstein.com  
8 Michael A. Paskin mpaskin@cravath.com  
9 Michael H. Barr mbarr@sonnenschein.com  
10 Nancy A Pacharzina (Terminated) npacharzina@tousley.com, mhottman@tousley.com  
11 Paul Scarlato pscarlato@labaton.com, ElectronicCaseFiling@labaton.com  
12 Paul Joseph Kundtz pkundtz@riddellwilliams.com, mbergquam@riddellwilliams.com,  
13 mdowns@riddellwilliams.com  
14 Richard A Speirs rspeirs@cohenmilstein.com  
15 Richard F Hans richard.hans@dlapiper.com, dorinda.castro@dlapiper.com  
16 Robert D Stewart stewart@kiplinglawgroup.com  
17 Rogelio Omar Riojas omar.riojas@dlapiper.com, karen.hansen@dlapiper.com,  
18 nina.marie@dlapiper.com  
19 Ryan Wagenleitner rwagenleitner@scott-scott.com  
20 S Douglas Bunch dbunch@cohenmilstein.com  
21 Serena Rich ardson (Terminated) srichardson@labaton.com,  
22 ElectronicCaseFiling@labaton.com  
23 Stellman Keehnel stellman.keehnel@dlapiper.com, patsy.howson@dlapiper.com  
24 Stephen M. Rummage steverummage@dwt.com, jeannecadley@dwt.com,  
25

*Declaration of Nicholas A. Jackson in Support  
of Defendants' Motion to Preclude Use of  
Untimely Disclosed Witnesses Pursuant to  
Fed. R. Civ. P. 37(c)(1)  
(CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789



1 seadocket@dwt.com

2 Steve W. Berman steve@hbsslaw.com, heatherw@hbsslaw.com, robert@hbsslaw.com

3 Steven J Toll stoll@cohenmilstein.com, efilings@cohenmilstein.com

4 Steven P Caplow stevencaplow@dwt.com, jasonSchattenkerk@dwt.com,

5 patrickwatts@dwt.com, seadocket@dwt.com, sheilarowden@dwt.com

6 Steven W Fogg sfogg@corrchronin.com, hpowell@corrchronin.com,

7 reception@corrchronin.com

8 Susan L. Hoffman susan.hoffman@bingham.com

9 Tammy Roy troy@cahill.com

10 Thomas G. Rafferty trafferty@cravath.com

11 Timothy Michael Moran moran@kiplinglawgroup.com, cannon@kiplinglawgroup.com

12 Walter W. Noss wnoss@scott-scott.com, efile@scott-scott.com

13 DATED this 25th day of May, 2012 at Seattle, Washington.

14 By: /s/ Louis D. Peterson  
15 Louis D. Peterson, WSBA #5776  
16 1221 Second Avenue, Suite 500  
17 Seattle, WA 98101-2925  
18 Telephone: (206) 623-1745  
19 Facsimile: (206) 623-7789  
20 Email: ldp@hcmp.com  
21  
22  
23  
24  
25

*Declaration of Nicholas A. Jackson in Support  
of Defendants' Motion to Preclude Use of  
Untimely Disclosed Witnesses Pursuant to  
Fed. R. Civ. P. 37(c)(1)  
(CV09-037 MJP)*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789